

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VICTOR LLOYD MITCHELL,	:	
Plaintiff	:	
v.	:	Case No. 3:22-cv-154-KAP
DON BOYLSTEIN,	:	
Defendant	:	

Memorandum Order

Six weeks ago, in response to a motion for a stay premised on the proposed filing of a lengthy motion to compel and motion for appointment of counsel, I ordered plaintiff to file “forthwith” the approximately 100 pages of the motion to compel that he said he had already compiled. ECF no. 62. Nothing has been filed, not even the 35 pages that plaintiff stated he had prepared by May 2024. *See* ECF no. 49. Reasonable delays, when repeated, can have a cumulative impact that impairs the just, speedy, and inexpensive determination of civil matters. That point has been reached.

Accordingly, no motion to compel will be considered. The final pretrial schedule is that motions for summary judgment shall be filed on or before January 31, 2025, with responses filed on or before March 3, 2025. If no motions are filed plaintiff’s pretrial statement shall be filed on or before February 28, 2025, and defendant’s pretrial statement shall be filed on or before March 14, 2025.

Given the history of this matter, further extensions will need to be justified by extraordinary reasons. I consider the Civil Justice Reform Act to establish a goal that ordinary civil matters should be resolved within three years of the filing of the complaint, and that mark will be reached in the coming year. I am the third judge in line to share one available courtroom in this division so my flexibility in scheduling civil trials is limited not only by the rule that criminal trials come first but also by the fact that I do not always have jurors available. Therefore, failure to timely file necessary pleadings may result in sanctions including the last-resort sanction of dismissal. *See Poulis v. State Farm Fire and Casualty Co.*, 747 F.2d 863, 868 (3d Cir.1984); *In re Asbestos Products Liability Litigation* (No. VI), 718 F.3d 236, 246 (3d Cir.2013); *Hildebrand v. Allegheny County*, 923 F.3d 128, 132 (3d Cir. 2019).



DATE: December 18, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Victor L. Mitchell MX-8108
S.C.I. Somerset
1590 Walters Mill Road
Somerset, PA 15510